

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

BIG LOTS, INC., *et al.*,

Debtors.¹

Chapter 11

Case No. 24-11967 (JKS)

(Jointly Administered)

Re: D.I. 17 & 394

**CERTIFICATION OF COUNSEL REGARDING STIPULATION RESOLVING THE
OBJECTION AND RESERVATION OF RIGHTS OF CRP/CHI MERRILLVILLE II
OWNER, L.L.C. TO MOTION OF DEBTORS FOR ENTRY OF AN ORDER (I)
AUTHORIZING DEBTORS TO REJECT CERTAIN UNEXPIRED LEASES OF
NONRESIDENTIAL REAL PROPERTY AND (II) AUTHORIZING AND
ESTABLISHING PROCEDURES TO REJECT EXECUTORY
CONTRACTS AND UNEXPIRED LEASES**

Counsel to the above captioned debtors and debtors in possession (the “**Debtors**”),
hereby certifies as follows:

1. On September 9, 2024 (the “**Petition Date**”), the Debtors each filed voluntary petitions for relief under chapter 11 of title 11 of the United States Code, 11 U.S.C. §§ 101–1532 (the “**Bankruptcy Code**”), and related pleadings with the United States Bankruptcy Court for the District of Delaware.

2. On the Petition Date, the Debtors filed the *Motion of Debtors for Entry of an Order (I) Authorizing Debtors to Reject Certain Unexpired Leases of Nonresidential Real*

¹ The debtors and debtors in possession in these chapter 11 cases, along with the last four digits of their respective employer identification numbers, are as follows: Great Basin, LLC (6158); Big Lots, Inc. (9097); Big Lots Management, LLC (7948); Consolidated Property Holdings, LLC (0984); Broyhill LLC (7868); Big Lots Stores - PNS, LLC (5262); Big Lots Stores, LLC (6811); BLBO Tenant, LLC (0552); Big Lots Stores - CSR, LLC (6182); CSC Distribution LLC (8785); Closeout Distribution, LLC (0309); Durant DC, LLC (2033); AVDC, LLC (3400); GAFDC LLC (8673); PAFDC LLC (2377); WAFDC, LLC (6163); INFDC, LLC (2820); Big Lots eCommerce LLC (9612); and Big Lots F&S, LLC (3277). The address of the debtors’ corporate headquarters is 4900 E. Dublin-Granville Road, Columbus, OH 43081.

Property and (II) Authorizing and Establishing Procedures to Reject Executory Contracts and Unexpired Leases (D.I. 17) (the “**Rejection Motion**”).

3. On October 2, 2024, CRP/CHI Merrillville II Owner, L.L.C., the landlord (the “**Landlord**”) of the non-residential real property located at 9602 Georgia Street, Merrillville, Indiana (the “**Property**”), filed the *Objection and Reservation of Rights of CRP/CHI Merrillville II Owner, L.L.C. To Motion of Debtors for Entry of an Order (I) Authorizing Debtors to Reject Certain Unexpired Leases of Nonresidential Real Property and (II) Authorizing and Establishing Procedures to Reject Executory Contracts and Unexpired Leases* (D.I. 394) (the “**Objection**”).

4. To resolve the Objection, counsel for the Debtors and the Landlord have agreed to a stipulation (the “**Stipulation**”) whereby the Debtors agree to pay the Landlord one hundred seventy thousand seven hundred thirteen dollars and ninety-one cents (\$170,713.91) under the Debtors’ lease of the Property as an administrative expense and retroactively reject the lease of the Property as of the Petition Date. In return, under the Stipulation the Landlord shall waive any and all other administrative claims under the Bankruptcy Code against the Debtors that relate to the Property.²

5. The Debtors are resolving this by separate stipulation to avoid the addition of individual carve-outs and party-specific provisions to the form of order attached to the Rejection Motion.

6. A copy of the Stipulation is attached **Exhibit 1** to the proposed form of order (the “**Proposed Order**”), attached hereto as **Exhibit A**.

² Description of the Stipulation is provided for the convenience of the parties and the Court. The Stipulation controls in the event of any conflict.

7. Counsel for the Landlord has reviewed the Stipulation and has agreed to entry of the Proposed Order.

WHEREFORE, the Debtors respectfully request entry of the Proposed Order, substantially in the form attached hereto as **Exhibit A**.

Dated: October 9, 2024
Wilmington, Delaware

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